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March 7, 2006

VIA FACSIMILE
EXPEDITED PROCEDURE

To: Examiner Tinh T. Nguyen
Group Art Unit No. 2818
U. S. P. T. O.

Facsimile No. 571-273-8300

From: Phillip E. Miller

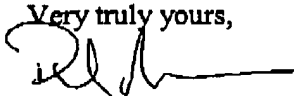
Facsimile No. 703-761-2375

Re: Filing of RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF
SPECIES REQUIREMENT
U. S. Patent Application Serial No. 10/715,376
Our Ref: YOR.487

Dear Examiner:

Enclosed please find a RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT in the above-identified Application.

Thank you in advance for your kind consideration of this case.

Very truly yours,

Phillip E. Miller

PEM/sb
Enclosure

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sun, et al.

Serial No.: 10/715,376

Group Art Unit: 2818

Filed: November 19, 2003

Examiner: Thanh T. Nguyen

For: SPIN-CURRENT SWITCHED MAGNETIC MEMORY ELEMENT SUITABLE
FOR CIRCUIT INTEGRATION AND METHOD OF FABRICATING THE
MEMORY ELEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT**

Sir:

In response to the Office Action dated February 7, 2006, Applicant states as follows:

REMARKS

In response to the Examiner's Restriction Requirement and Election of Species Requirement in the Office Action, Applicant hereby elects the invention of Group I (e.g., claims 1-27 and 30-33), and Species E (e.g., Figure 1F) with traverse.

Applicants reserve the opportunity to file a Divisional Application for the non-elected invention and/or species later.

I. THE RESTRICTION REQUIREMENT

The Examiner alleges that the invention of Group I is distinct from the invention of Group II. However, even assuming (arguendo) that the invention of claims 28-29 is independent or distinct from the invention of claims 1-27 and 30-33, the Examiner has not even alleged that